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September 13, 2022

VIA ECF

Honorable Analisa Torres
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Timothy Shea*, 20-CR-412 (AT)

Dear Judge Torres:

On behalf of defendant Timothy Shea, we respectfully submit this brief reply in further support of Mr. Shea's motion to transfer venue, pursuant to Rule 21(a) of the Federal Rules of Criminal Procedure. Dkt. #268. Although Mr. Shea moves this Court for a transfer based on numerous grounds, we would like to address the particular point as to why this District would be unable to give Mr. Shea a fair and impartial trial. Since the inception of this case, Mr. Shea has maintained that a fair trial would be nearly impossible to obtain due to the fact he was indicted with such a notorious, polarizing figure. But particularly in light of recent events surrounding former co-defendant Stephen Bannon's indictment in New York Supreme Court on the very underlying facts of the current case, we submit that it is all the more unlikely that Mr. Shea can ever be fairly tried in this District.

Stephen Bannon is charged with three counts of conspiracy, two counts of money laundering, and one count of scheme to defraud in connection to his involvement with the We Build the Wall campaign. Per District Attorney Alvin Bragg and Attorney General Letitia James, the charges are a result of a "joint probe launched after he was pardoned."¹ Bannon was arraigned this week, and was met with crowds of news reporters and protestors. The arraignment received extensive news coverage, partially stoked by Bannon himself, who has declared "they will never shut [him] up" hosts a popular podcast, "Bannon's War Room," where he will likely share his opinions on the case.² Bannon, who maintains that he is being persecuted, specifically invokes the name of New York City's own mayor, Eric Adams, citing the fact that the mayor had sent city officials to the southern border to investigate the relocation of migrants to New York.

¹ <https://nypost.com/2022/09/08/steve-bannon-surrenders-to-new-york-prosecutors/>

² *Id.*

To argue, as the government does, that Mr. Shea's trial is not a political case and that the Southern District of New York is a venue that has no more political bias than its Colorado alternative, goes against the sheer facts of the case and its own trial record concerning jury deliberations. With Bannon essentially being tried for the same conduct in another jurisdiction within the bounds of New York, and with all of the political and publicized attention his case will surely receive, it will be that much more difficult for any jury within the Southern District of New York to render a verdict based solely on the facts.

Therefore, in light of the foregoing recent events, we respectfully submit Mr. Shea's trial should be transferred to the District of Colorado.

Respectfully submitted,

/s/
John Meringolo, Esq.